



## Legislative Bulletin.....October 7, 2003

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## **H.R. 1303—To amend the E-Government Act of 2002 with respect to rulemaking authority of the Judicial Conference (Smith of Texas)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, October 7<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1303 amends the E-Government Act of 2002 (P.L. 107-347) to require the Supreme Court (through the Judicial Conference) to prescribe national rules to protect privacy and security concerns relating to electronic filing of documents. Such rules would allow the use of redacted material (edited to prevent public disclosure of information) to protect sensitive information contained in documents filed electronically with the Federal court system. Under the bill, documents could be filed by either filing an unredacted (i.e. unedited) version under seal

with a redacted version for public use or by filing a redacted version for public use and a reference list under seal that identifies redacted information for the court.

**Additional Background:** According to the committee report, the current “Privacy and Security Concerns” subsection included in the E-Government Act has the potential for confusion regarding the use of redacted and unredacted documents by Federal courts. The bill is intended to eliminate any confusion and has been developed with the input of the Judicial Conference and the Department of Justice.

The E-Government Act passed the House of Representatives on November 15, 2002, by unanimous consent.

**Committee Action:** H.R. 1303 was considered by the Subcommittee on Courts, the Internet, and Intellectual Property on March 20, 2003, and reported to the full committee by voice vote. The full Judiciary Committee reported the bill to the House by voice vote on July 16.

**Cost to Taxpayers:** The Congressional Budget Office estimates that H.R. 1303 would have no significant effect on federal spending.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** The Judiciary Committee, in House Report 108-239, cites Article I, Section 8, and Article III, Section 1, but does not cite specific clauses.

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## **H.Res. 234—Condemning bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans (Issa)**

**Order of Business:** The resolution is scheduled for consideration on Tuesday, October 7<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 234 resolves that the House:

“(1) is concerned by the number of bias-motivated crimes against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans, and other Americans in recent months;

“(2) declares that the civil rights and civil liberties of all Americans, including Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans, should be protected;

“(3) condemns bigotry and acts of violence against any American, including Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans;

“(4) calls upon local, State, and Federal law enforcement authorities to work to prevent bias-motivated crimes against all Americans, including Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans; and

“(5) calls upon local, State, and Federal law enforcement authorities to investigate and prosecute vigorously all such crimes committed against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans.”

**Additional Background:** A resolution virtually identical to H.Res. 234 passed the Senate by unanimous consent on May 22.

**Committee Action:** The Judiciary Committee considered H.Res. 234 on July 25, 2003, and passed the resolution by voice vote.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** The Judiciary Committee, in House Report 108-249, cites Article I, Section 8, but does not cite a specific clause.

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## **H.R. 2655—To amend and extend the Irish Peace Process Cultural and Training Programs Act of 1998 (Walsh)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, October 7<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2655 extends the authorization for the Irish Peace Process Cultural and Training Program from 2006 to 2008 (this program provides nonimmigrant visas for adults between the ages of 18 and 35 from certain areas of Ireland to work or study in the U.S. for up to three years). Currently the program is scheduled for repeal on October 1, 2006.

Other changes to the program included in the bill are as follows:

- Replaces references to the Immigration and Naturalization Service with references to the Department of Homeland Security.
- Adds a requirement that not more than 20 percent of participants in the programs may have a degree from an institution of higher education.
- Changes age of eligibility from 18-35 to 21-35 and adds a requirement that participants have not been unemployed or residents of certain areas of Ireland for less than six months.
- Reduces the length of the visa from three years to two years.
- Requires that participants in the program return to Ireland for one year before applying for an immigrant visa, permanent residence, or other non-immigrant visa. The Secretary of Homeland Security may waive this requirement in certain circumstances.

**Additional Background:** The Irish Peace Process Cultural Training Program was enacted in 1998 (P.L. 105-319). The 107<sup>th</sup> Congress extended authorization for the program on July 22, 2002, by voice vote.

According to the Committee Report, "The purpose of [this] program was to allow adults between the ages of 18 and 35 years old who lived in disadvantaged areas of Northern Ireland and designated border counties of Ireland that were suffering from sectarian violence and high unemployment to enter the United States to develop job skills and conflict resolution abilities in a diverse, cooperative, peaceful, and prosperous environment, so that they could return to their homes better able to contribute toward economic regeneration and the Irish peace process." (emphasis added).

According to the Government of the United Kingdom, unemployment in Northern Ireland for the period of May-July 2003 was 5.3%, which is lower than four other UK regions, including London, and lower than the European Union average. By comparison, the U.S. unemployment rate for the same period was over 6%.

For more information about this program, visit: <http://www.walshvisa.net/default.asp>  
This site includes program requirements, newsletters and a list of participating U.S. employers among other items.

**Committee Action:** On July 25, 2003, the Judiciary Committee favorably reported H.R. 2655 by voice vote.

**Cost to Taxpayers:** The Congressional Budget Office estimates that H.R. 2655 would cost \$4 million in each of fiscal years 2007 and 2008.

**Does the Bill Create New Federal Programs or Rules?:** No, the bill extends and modifies a current federal program.

**Constitutional Authority:** The Judiciary Committee, in House Report 108-260 Part I, cites Article I, Section 8, but does not cite a specific clause.

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**H.R. 1900—To award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of the Congress that there should be a national day in recognition of Jackie Robinson (*Neal*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, October 7<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1900 authorizes the awarding of a congressional gold medal to Jackie Robinson (posthumously). The bill authorizes \$30,000 for the costs associated with the medal.

The bill also expresses a sense of the Congress that “there should be designated a national day for the purpose of recognizing the accomplishments of Jackie Robinson” and “the President should issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.”

**Additional Background:** Jackie Roosevelt Robinson was born on January 31, 1919, in Cairo, Georgia. In 1947, Jackie Robinson was signed by the Brooklyn Dodgers and became the first black player to play in Major League Baseball. In 1962, he was inducted into the Baseball Hall of Fame. According to the bill, “the legacy and personal achievements of Jackie Robinson, as an athlete, a business leader, and a citizen, have had a lasting and positive influence on the advancement of civil rights in the United States.”

**Committee Action:** H.R. 1900 was referred to the Committee on Financial Services, but was not considered.

**Cost to Taxpayers:** Although an official cost estimate is not available, the bill authorizes a total of \$30,000 for the cost of the gold medal.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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## **H.R. 1985 — To amend the National Housing Act to increase the maximum mortgage amount limit for FHA-insured mortgages for multifamily housing located in high-cost areas (Gary Miller)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, October 7, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** Under current law, the Federal Housing Administration (FHA) is authorized to insure private loans used to finance certain multifamily homes, subject to certain appropriation provisions. H.R. 1985 would increase the current limit on the value of loans that FHA can guarantee in certain high-cost areas of the country under six different loan guarantee programs. (High-cost housing markets include such cities as Boston, San Francisco, and Los Angeles.)

Under current law, the HUD Secretary may increase the loan limitations in the National Housing Act by 110%. H.R. 1985 will allow the Secretary to increase the limitations to 170 % of the amount specified. Under the bill, the FHA would also be able to insure loans at higher levels in other parts of the country as well but on a project-by-project basis. Under current law, the

Secretary may increase the loan limitations for these projects by 140%. H.R. 1985 will allow the Secretary to increase the limitations to 170 %.

**Committee Action:** H.R. 1985 was introduced on May 6, 2003 and referred to the Committee on Financial Services, from where it was reported by voice vote on July 23, 2003.

**Cost to Taxpayers:** CBO estimates that implementing H.R. 1985 would have no significant federal cost and would not affect direct spending or revenues. In 2002, FHA insured about \$5 billion in loans for multifamily projects. The budgetary impact of those guarantees was recorded as discretionary savings of about \$20 million. Based on information from FHA, CBO does not expect that demand for multifamily housing guarantees would increase significantly under this bill, due to other market barriers for housing.

Under current law, guarantee fees paid to FHA for new mortgages more than offset the cost of expected defaults, resulting in net collections from five of the six loan guarantee programs affected by the bill. (One of the programs that would be affected by the bill--loans to support housing for moderate income and displaced families--is estimated to have a positive subsidy rate of 5.35 percent in 2004).

**Does the Bill Create New Federal Programs or Rules?:** No. The bill raises the maximum mortgage limit for FHA-insured multi-family housing.

**Constitutional Authority:** The Financial Services Committee (in Report No. 108-247) finds authority under Article I, Section 8, Clause 1 (relating to the defense and general welfare of the United States), and Clause 3 (relating to the power to regulate foreign and interstate commerce).

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## **H.R. 3229—To amend title 44, United States Code, to transfer to the Public Printer the authority over the individuals responsible for preparing indexes of the Congressional Record (Ney)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, October 7<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3229 would transfer to the Public Printer the authority over the individuals responsible for preparing the semimonthly and the session indexes of the *Congressional Record*. Currently, the Joint Committee on Printing (JCP) details such individuals to the Public Printer. The JCP would still direct the “form and manner” of the *Record’s* publication and distribution.

**Additional Background:** The JCP oversees the functions of the Government Printing Office and the federal government’s general printing procedures. For more information, visit these two websites:

<http://www.house.gov/jcp/>

<http://www.gpoaccess.gov/index.html>

**Committee Action:** The bill was referred to the Committee on House Administration on October 2, 2003, but the Committee did not consider the bill.

**Cost to Taxpayers:** Though no CBO cost estimate is available, there is no indication that this bill would have any cost to taxpayers.

**Does the Bill Create New Federal Programs or Rules?:** No.

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**H.J.Res. 52 — Recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States (*Cummings*)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, October 7, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** H.J.Res. 52 has five findings regarding the Dr. Samuel D. Harris National Museum of Dentistry, founded in 1840 as the world's first dental school, and located on the campus of the University of Maryland in Baltimore, and resolves:

“That the museum, known as the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution, located at 31 South Greene Street in Baltimore, Maryland, is recognized as the official national museum of dentistry in the United States.”

**Additional Information:** According to the resolution, “the museum educates the public about the importance of oral health in overall health through exciting, interactive exhibitions and the careful preservation and creative presentation of significant dental artifacts” and “the museum is a national center for both the public and the profession to obtain information concerning historical aspects of oral health and preventive care, for scholars to study the evolution of dental treatment, and for dental practitioners to take pride in the accomplishments of their profession.”

The museum has received small amounts of money from the Institute of Museum of Library Services. It is unclear how much financial support, if any, the museum receives from the Smithsonian.

**Committee Action:** H.J.Res. 52 was introduced on April 4, 2003, and referred to the House Committee on Administration, which did not consider the resolution.

**Cost to Taxpayers:** The resolution has no cost.

**Does the Bill Create New Federal Programs or Rules?:** No.

## **H.Res. 355—Commemorating the 100th anniversary of diplomatic relations between the United States and Bulgaria (Wilson of South Carolina)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, October 7<sup>th</sup>, under a motion to suspend the rules and pass the bill. The Senate passed a substantively similar resolution (S.Res. 225) by unanimous consent on September 17, 2003.

**Summary:** H.Res. 355 would resolve that the House:

- “commends the Republic of Bulgaria for developing increasingly friendly and meaningful relations with the United States over the past 100 years;
- “recognizes the continued contributions of Bulgaria toward bringing peace, stability, and prosperity to the region of South Eastern Europe, including its contributions to regional security and democratic stability;
- “salutes the willing cooperation of Bulgaria and its increasingly vital role as a valuable ally in the war against international terrorism; and
- “encourages opportunities for greater cooperation between the United States and Bulgaria in the political, military, economic, and cultural spheres.”

**Additional Background:** The resolution points out that the United States established diplomatic relations with the Republic of Bulgaria on September 19, 1903. Other points of note include the following:

- Bulgaria was among the very first countries to denounce terrorism and pledge active support to the United States in the fight against terrorism following the events of September 11, 2001.
- Bulgaria provided overflight and basing rights for Operation Enduring Freedom, representing the first stationing of foreign forces in Bulgaria since World War II.
- Bulgaria deployed a nuclear, biological, and chemical protection detachment to Afghanistan as part of the International Security Assistance Force.
- As part of a stabilization force in Iraq, Bulgaria agreed to each request of the United States and offered overflight and basing rights, as well as transit of United States and coalition forces, and deployed a 500-man infantry battalion.
- Bulgaria, a non-permanent member of the United Nations Security Council, was recently invited to join NATO.
- The Senate has recently given its consent with 96 votes to 0 for the ratification of the accession protocols of Bulgaria and six other aspirant countries from Central and Eastern Europe to NATO.

According to information provided by the Department of State, in FY 2002, the U.S. provided at least \$47.36 million in assistance to Bulgaria, for FY 2004, the President has requested \$41.59

million for the same programs. For more information visit:  
<http://www.state.gov/documents/organization/17787.pdf>

**Committee Action:** On September 9, 2003, the Subcommittee on Europe marked up and forwarded the resolution to the full International Relations Committee by voice vote. The full Committee did not consider the resolution.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

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## **H.R. 2264—Congo Basin Forest Partnership Act (Shaw)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, October 7<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2264 would authorize \$18.6 million for each of fiscal years 2004 and 2005 for the Congo Basin Forest Partnership (CBFP) program, \$16.0 million of which each year would be made available to the Central Africa Regional Program for the Environment (CARPE) of the United States Agency for International Development (USAID), which implements the CBFP. This is the exact authorization language that passed the House as part of the Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003 (H.R. 1950), which passed on July 16, 2003, by a vote of 382-42:

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=369>

**Additional Background:** In September 2002, Secretary of State Colin Powell launched the CBFP in Johannesburg, South Africa. H.R. 2264 points out that the CBFP “promotes the conservation and sustainable use of the region's forests, for example, by working to combat poaching, illegal logging, and other unsustainable practices, and giving local populations an economic stake in the preservation of the forests, including through the development of ecotourism.”

The bill contains 15 other findings, including:

- “The construction of logging roads and other developments are putting intense hunting pressure on wildlife. At current hunting levels, most species of apes and other primates, large antelope, and elephants will disappear from the Congo Basin, with some becoming extinct.”
- “If current deforestation and wildlife depletion rates are not reversed, the six countries of the Congo Basin most immediately, but also the world, will pay an immense economic, environmental, and cultural price.”
- “The United States has an interest in seeing political stability and economic development advance in the Congo Basin countries. This interest will be adversely impacted if current deforestation and wildlife depletion rates are not reversed.”

The bill states that the U.S. contribution to the CBFP will focus on conserving 11 landscapes in six countries—Cameroon, the Central African Republic, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, and the Republic of Congo—identified by a recent forest summit as being of the greatest biological importance to the region. The CBFP also receives financial support from other non-African governments, the European Commission, the International Bank for Reconstruction and Development, and numerous nongovernmental organizations.

According to testimony from Department of State officials, CBFP program spearheaded by USAID "has sparked shared coordination efforts by USDA, U.S. Forest Service, U.S. Fish and Wildlife, U.S. Park Service, NASA, and others."

For additional information visit:

State Department: <http://www.state.gov/g/oes/rls/fs/2003/23208.htm>

USAID: <http://gopher.info.usaid.gov/about/wssd/congo.html>

USDA: <http://svinet2.fs.fed.us/global/globe/africa/basin.htm>

**Committee Action:** On September 25, 2003, the International Relations Committee marked up and reported the bill to the House floor by unanimous consent.

**Possible RSC Concerns:** Some RSC Members have expressed concern that the proposed supplemental request for the reconstruction of Iraq will not be offset by reductions in existing or future federal spending. One proposal would offset the reconstruction funds with reductions in lower-priority international affairs spending (including spending by USAID). Some conservatives might regard the CBFP as a lower-priority program that should not be authorized or funded in the current financial environment. For more information on the offset proposal, visit this webpage: <http://www.house.gov/burton/RSC/word/ToomeyHensarling10603.pdf>

**Cost to Taxpayers:** CBO confirms that this legislation would authorize \$18.6 million in FY2004 and a total of \$37.2 million over the FY2004-FY2008 period.

**Does the Bill Create New Federal Programs or Rules?:** The bill would authorize a U.S. contribution to a multinational forest preservation program in Africa.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **H.Res. 372—Expressing the condolences of the House of Representatives in response to the murder of Swedish Foreign Minister Anna Lindh (*Lantos*)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, October 7, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 372 has nine findings regarding the attack on the Swedish Foreign Minister Anna Lindh on September 10, 2003, that led to her death the next morning. The resolution states that the House of Representatives:

- “expresses its deepest sympathies to the people of Sweden and the family of Swedish Foreign Minister Anna Lindh following her tragic and untimely murder;
- “condemns all senseless acts of violence against public officials;
- “urges the President to provide all appropriate assistance that may be requested by Swedish law enforcement officials as they pursue the perpetrator of this heinous act; and
- “expresses the solidarity of the people of the United States with the people of Sweden and the Swedish Government at this difficult time.”

**Additional Information:** Ms. Lindh was elected to the Swedish Parliament in 1982, was appointed Minister of the Environment in the government of Prime Minister Goran Persson in 1994, and rose to the post of Foreign Minister in 1998. According to the resolution, she demonstrated “dedication to the causes of human rights and environmental responsibility as a leader in the Swedish Government” and was “widely recognized as an advocate of freedom and peace in Europe and throughout the world.”

**Committee Action:** H.Res. 372 was introduced on September 17, 2003, and referred to the House Committee on International Relations, which reported it to the full House by unanimous consent on September 25, 2003.

**Cost to Taxpayers:** The resolution has no cost.

**Does the Bill Create New Federal Programs or Rules?:** No.

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## **H.Con.Res. 274—Commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy (Hyde)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, October 7<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 274 would resolve that Congress:

- “commends the National Endowment for Democracy for its major contributions to the strengthening of democracy around the world on the occasion of the 20th anniversary of the establishment of the Endowment; and
- “endeavors to continue to support the vital work of the National Endowment for Democracy.”

The resolution boasts that “the Endowment and the affiliated institutes have supported grassroots programs to build democratic institutions, spread democratic values, encourage free market institutions, and promote political parties, worker rights, independent media, human rights, the rule of law, civic education, conflict resolution, political participation by women, and many other essential components of civil society and democratic governance in emerging and transitional democracies, nondemocracies, and war-torn societies.” Additionally, the resolution claims that “the programs carried out or funded by the Endowment have made significant contributions to the efforts of democratic activists to achieve freedom and self-governance around the world...[and have] enhanced the national security interests of the United States....”

**Additional Background:** The National Endowment for Democracy, the chartering of which was signed into law (22 U.S.C. 4411 et seq.) by President Reagan on November 22, 1983, is a private, nonprofit organization that promotes democracy worldwide.

The purposes of the Endowment, as set forth in its articles of incorporation and in the statute from 1983, are:

- “to encourage free and democratic institutions throughout the world through private sector initiatives, including activities which promote the individual rights and freedoms (including internationally recognized human rights) which are essential to the functioning of democratic institutions;
- “to facilitate exchanges between United States private sector groups (especially the two major American political parties, labor, and business) and democratic groups abroad;
- “to promote United States nongovernmental participation (especially through the two major American political parties, labor, business, and other private sector groups) in democratic training programs and democratic institution-building abroad;
- “to strengthen democratic electoral processes abroad through timely measures in cooperation with indigenous democratic forces;
- “to support the participation of the two major American political parties, labor, business, and other United States private sector groups in fostering cooperation with those abroad dedicated to the cultural values, institutions, and organizations of democratic pluralism; and
- “to encourage the establishment and growth of democratic development in a manner consistent both with the broad concerns of United States national interests and with the specific requirements of the democratic groups in other countries which are aided by programs funded by the Endowment.”

The Endowment can only provide funding for programs of private-sector groups and cannot carry out programs directly. **The law explicitly allows the Endowment to make grants to “independent labor unions.”**

Despite being a private, nonprofit group, GuideStar reports that **96.7%** of the Endowment’s total revenues in fiscal year 2001 were from government grants; only 3.1% of its total revenues were from private contributions. In fiscal year 2002, the Endowment’s total revenues were **98.9%**

from government grants; only 0.9% were from private contributions. The Endowment distributed 81.8% of its total revenues as grants in fiscal year 2002.

Congress directly appropriated \$42.0 million to the Endowment in fiscal year 2003 (H.J.Res. 2; Public Law 108-7). For fiscal year 2004, the House-passed version of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act (H.R. 2799) also appropriates \$42.0 million. These appropriations are up more than 25% from the \$33.5 million appropriation to the Endowment in fiscal year 2002 (Public Law 107-77).

According to GuideStar, in fiscal year 2002, the Endowment's five highest-paid employees made from \$98,981 to \$144,999. The Endowment paid over \$3.7 million in employee salaries and wages in fiscal year 2002.

The Endowment's homepage is: <http://www.ned.org/>

**Committee Action:** On September 25, 2003, the International Relations Committee marked up and reported the bill to the House floor by unanimous consent.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **Flake Motion to Instruct Conferees on H.R. 1—Medicare Prescription Drug Modernization Act of 2003**

**Order of Business:** On Wednesday, October 1<sup>st</sup>, 2003, Rep. Flake (R-AZ) announced his intention to offer a motion to instruct conferees on H.R. 1, the Medicare Prescription Drug Modernization Act of 2003. The motion was debated on Thursday, October 2<sup>nd</sup> and a recorded vote on the motion will occur on Tuesday, October 7<sup>th</sup>.

**Summary of Motion:** The motion directs the House conferees, within the scope of conference, to include income thresholds on coverage.

**Additional Background:** Current income threshold provisions in House Medicare bill:

- Means testing of catastrophic benefit (for individuals with incomes over \$60,000) so that the benefit equals 5.8% of income.

There are no income threshold/means testing provisions in the Senate Medicare bill. However, an amendment was offered by Senators Feinstein and Nickles to implement means testing of the Part B premium. Premium costs to beneficiary would increase on a sliding scale for those with incomes above \$100,000, with beneficiaries with incomes over \$200,000 responsible for 100% of the Part B premium.

- Income of \$100,000-\$150,000 - beneficiary pays 50% of premium
- Income of \$150,000-\$200,000 - beneficiary pays 75% of premium
- Income over \$200,000 - beneficiary pays 100% of premium

A motion to table the amendment rejected in Senate by Yea-Nay vote 38 – 59, indicating significant Senate support for means testing..

[http://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=108&session=1&vote=00261](http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=108&session=1&vote=00261)

**Cost to Taxpayers:** Any motion to instruct conferees is non-binding.

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## **Bishop Motion to Instruct Conferees on H.R. 1—Medicare Prescription Drug Modernization Act of 2003**

**Order of Business:** On Wednesday, October 1<sup>st</sup>, 2003, Rep. Tim Bishop (D-NY) announced his intention to offer a motion to instruct conferees on H.R. 1, the Medicare Prescription Drug Modernization Act of 2003. The motion was debated on Thursday, October 2<sup>nd</sup> and a recorded vote on the motion will occur on Tuesday, October 7<sup>th</sup>.

**Summary of Motion:** The motion directs the House conferees to reject division B of the House bill. Division B is the section of the bill that includes Health Savings Accounts (HSAs) and Health Savings Security Accounts (HSSAs).

The HSA and HSSA language was added to the House Medicare bill through the passage of H.R. 2596, which passed the House 237 - 191. <http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=328>

For more information on HSAs and HSSAs, click the following link - <http://www.house.gov/burton/RSC/LB62603.pdf>.

**Cost to Taxpayers:** Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

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